

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

September 30, 1981

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PIE MOUILLEE S.G.A.

TO: Robert J. Courchaine, Chief, Water Quality Division
FROM: Paul D. Zugger, Chief, Permit Enforcement Branch
Environmental Enforcement Division
RE: Pennwalt Corporation, Wyandotte, Michigan



As you know, previous violations by Pennwalt Corporation of that company's NPDES permit and Final Order of Abatement were successfully resolved through the entry of Final Order of Abatement 1994 on February 19, 1981.

During negotiations the company requested a release from all environmental damages. Agreement was not reached on this point. Staff believed that some damages had resulted to Monguagon Creek as a result of past violations by the company. The extent and nature of these damages, however, were not known at the time. The company was willing to pursue subsequent cleanup or correction of any damages, providing the state delineate those areas or portions of Monguagon Creek which had been impacted as a result of Pennwalt's discharges.

The matter was not resolved by entry of the Final Order. In fact, the first paragraph on the second last page of the Final Order ends with this sentence:

"This settlement is not a release or waiver of liability for environmental damage or resource impairment that has or may result from past, current, or future company operation."

Since the matter of any cleanup of Monguagon Creek by Pennwalt Corporation was not addressed in the Final Order and since the Final Order did not release the company from responsibilities for any such damages, it is appropriate that the state determine the extent of Pennwalt's responsibilities in this area and direct that Pennwalt proceed with the cleanup. It is my recollection that at the time of settlement, Pennwalt verbally agreed to assume responsibility for cleanup of the creek or any portion thereof that had been impacted as a result of Pennwalt's discharges.

I am bringing this to your attention and requesting that you assign appropriate staff to determine the extent of damages to Monguagon Creek. Should Pennwalt not agree to clean up the identified areas, a referral to this division for escalated enforcement action would be appropriate. Since our involvement may become necessary, I am requesting that you keep us apprised of developments in this area.

PDZ:dr

CC: Jack Bails
Frank Baldwin
~~Roy Schramm~~

Pursuant to the provisions of Act 245 of the Public Acts of Michigan 1929 as amended, regulations have been issued which require that all owners, managers or operators of vessels, oil storage or on land facilities shall notify the Water Resources Commission or his authorized representative of oil, salt and polluting material losses. This notification shall be made promptly by telephone or telegraph, giving briefly the particulars, and by mail, giving a detailed account of events and conditions.

Date of Loss (Be Specific) September 23, 1981		Company Name PENNWALT CORPORATION
Location of Loss (Be Specific) Plant - East of Process 22 (Dwg. WW3-7819; coordinate F,7)		
Material Lost Tertiary Amylphenol	Amount 350 gallons	Name of surface water receiving None
Date Loss was Discovered September 23, 1981		Time of Discovery 8:00 A.M.
Name of Department of Natural Resources Representative Contacted Tim Jaski - Pte. Moullee State Game Area		
Telephoned or Telegraphed by Whom J. Lewis		Time 10:10 A.M.; 9/23/81
Description of Loss (Include Type of Equipment and Other Details) Operator was filling the scale tank for Process 22 and simultaneously attempting to start scrubbing system for this process. He had some unexpected problem with the vent system and overfilled scale tank.		
Nature of Loss (Include Complete Description of Damage) 350 gallons of tertiary amylphenol overflowed to the diked area (D24). This material has a melting point of 185°F; consequently, it will solidify and it is virtually insoluble in water.		
Disposition of Materials (Include Method of Control, Plans for Prevention of Recurrence, etc.) Whatever can be recovered will be returned to the process. Any contaminated material will be drummed for off-site disposal. The operator has been instructed to complete filling of scale tank before beginning other tasks.		
Company Name PENNWALT CORPORATION		By (Signature) J. J. Lewis

Return this form to:

Department of Natural Resources
Bureau of Water Management
8th Floor Stevens T. Mason Bldg.
Lansing, Michigan 48926

24 hr. Emergency Notification Number
517 - 373-7660

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